

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

David Norington
Plaintiff,

-v-

Civil Action No. #3:12-cv-00807-GPM

Illinois Department of Corrections,
Director, S.A. Godings, Then Warden David A. -
Rednour, Lieutenant Scott, % M. S. Schickel, % -
Langston, % S. Bethel, % N. Maue, % Ross, % John -
Doe, Lieutenant M.A. McFlin,
Defendants.

SCANNED AT MENARD and E-mailed
8-7-12 by BB 5 pages
date initials No.

Memorandum of Law, In Support of Plaintiff's 42 Section 1983 U.S.
Code. Civil Rights Complaint.

- 1.) ON 8/15/11, Plaintiff wrote a 6 page grievance, and hand written a original - copy of the 6 page grievance, that same date 8/15/11, Plaintiff sent his 6 page - grievance to the grievance officer (Tracy Gruber Harrington).
- 2.) ON 8/19/11, Plaintiff wrote a 1 page grievance, and hand written a original - copy of the 1 page grievance, that same date 8/19/11, Plaintiff sent his 1 page - grievance to the grievance officer (Tracy Gruber Harrington).
- 3.) ON 8/23/11, Plaintiff received back his 6 page grievance, along with a memo - attached, the memo directed Plaintiff to sign, date, and put his I.D. number on his - grievance, Plaintiff did as the memo directed him to do, and Plaintiff placed his - grievance back in the bars of his cell for the 3rd shift officer to pick up mail. - SEE: Original memo exhibit, attached to Plaintiff's Civil Complaint.
- 4.) ON 8/26/11, Plaintiff received back his 1 page grievance, along with a memo - attached, the memo directed Plaintiff to sign, date, and put his I.D. number on - his grievance, Plaintiff did as the memo directed him to do, and Plaintiff placed his - grievance back in the bars of his cell for 3rd shift officer to pick up mail. - SEE: Original memo exhibit, attached to Plaintiff's Civil Complaint.

5.) Approximately 30 days go by, so Plaintiff decide to write a letter to the grievance officer (Tracy Gruber Harrington), to get an update on his grievances. Plaintiff saw the grievance officer coming down 4 gallery, Plaintiff was housed in cell N2-4-30, so plaintiff stopped the grievance officer, and asked if (she) RECEIVED the letter (he) just sent to (her), the grievance officer stated "(she) NEVER RECEIVED a letter from (me)", so Plaintiff asked this grievance officer if (she) RECEIVED his grievances, this grievance officer stated "(she) NEVER RECEIVED any grievances from Plaintiff, so Plaintiff got out the (#2) memos this grievance officer sent him, and showed them to the grievance officer, and Plaintiff asked this grievance officer "Is this your name on these memos", the grievance officer stated "yes", "I asked the grievance officer ARE THESE the memos (you) sent to (me) back with my grievances for (me) to sign, date, and put my I.D. number on the bottom of my grievances", the grievance officer said "yes". SEE: ORIGINAL MEMOS EXHIBITS, attached to Plaintiff's Civil Complaint.

6.) Then Plaintiff asked this grievance officer (Tracy Gruber Harrington) "Where are my grievances, grievance officer stated "they must still be on (her) desk - waiting to be signed", Plaintiff stated that (he) needed a response to (his) grievances issues, and that (he) needed (his) grievances back, this grievance officer stated "(she) would take care of it", Plaintiff never saw either of (his) grievances, NOR the grievance officer after that day.

7.) By this grievance officer (Tracy Gruber Harrington), sending Plaintiff's grievances back with a memo attached shows that the grievance officer did in fact RECEIVE Plaintiff's grievances, in a timely manner, because, the Assault on Plaintiff happened on 7/22/11, Plaintiff went to the adjustment committee on 7/26/11, so Plaintiff's 60 day requirement to file a grievance was (not) up, when grievance officer sent Plaintiff's grievances back with those memos attached to them, by the grievance officer stating on (her) memos to Plaintiff, for Plaintiff to sign, date, and put I.D. number on (his) grievances at the bottom of the grievance form, where it says "Check only if an emergency," and sending Plaintiff (his) grievances back, and when Plaintiff did as the memos directed (him) to do, and Plaintiff

Placed (his) grievances in the bars of (his) cell for the 3rd Shift Officer to pick-up mail, caused either the (destruction) of Plaintiff's grievances or the (loss) of Plaintiff's grievances.

8.) According to the grievance officer (Tracy Grubbs Harrington), here at Menard Correctional Center, Plaintiff, and (all) inmates here in Menard Correctional Center, and in the State of Illinois's I.D.O.C.'s, pertaining to grievance procedures, has to sign, date, and put our I.D. numbers in the area marked for emergency-grievances.

9.) According to "Dr. 504/810-860 of the grievance procedure, only signature is required when the grievance is an emergency," Plaintiff's grievance was (not) an emergency, IN all delay, and interference is due solely to the grievance officer (Tracy Grubbs Harrington), and the Felonious memos, further support thereof: SEE: Miller-V-Tanner, 196 F.3d, 1190 (11th Cir. 1999).

10.) * 5. Civil Rights, Key Note 209 "State prison inmate did not fail to exhaust his administrative remedies, as required under Prison Litigation Reform Act (PLRA) to bring § 1983 claim, by failing to sign, and date prison grievance form, where prison had detailed set of standard operating procedures (SOP) relating to inmate grievances but, (SOP)'s did not require that an inmate sign or date a grievance form when submitting it to his or her counselor, nor require that inmates file their grievances under penalty of perjury, but, rather, only require inmate signature upon inmate receipt of response from Warden," 42 U.S.C.A. § 1983; Civil Rights of Institutionalized Persons Act, § 7(a), 42 U.S.C.A. § 1997e(a)."

Conclusion.

Plaintiff would ask that my cause be remanded, also Plaintiff is seeking Monetary Compensation, as well as an Injunction.

Respectfully Submitted, This day of 8, 7, 2012.

David Norington
David Norington
#604938

(4)

IN THE
United States District Court
For The Southern District of Illinois

David Norington
Plaintiff,

v.

Director S.A. Godines
Defendant's ET. AL.

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) Case No. 3:12-cv-00807-GPM
)
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PROOF/CERTIFICATE OF SERVICE

TO: Clerk of Court -
United States District -
Court, Southern District of -
Illinois, P.O. Box 249 East -
St. Louis, Illinois 62201

TO: Lisa Madigan
Attorney General
100 West Randolph
Chicago, Illinois
60601

TO: _____

TO: _____

PLEASE TAKE NOTICE that on 8/7/, 2012, I have placed the documents listed below in the institutional mail at E-Filed Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: Memorandum of Law, In Support of -
Plaintiff's Civil Rights Complaint, 42 USC -
SECTION 1983.

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: 8/7/2012

/s/ David Norington
NAME: David Norington
IDOC#: B04938
Menard Correctional Center
P.O. BOX 1000
Menard, IL 62259